

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

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SPECIAL MEETING

Wednesday, October 25, 1978

Baton Rouge, Louisiana



Helen R. Dietrich, inc.
Stenotypists

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P R O C E E D I N G S

. . . Pursuant to notice, a special meeting of Louisiana Wildlife and Fisheries Commission convened in Baton Rouge, Louisiana, on Wednesday, October 25, 1978, Doyle G. Berry, Chairman, presiding. . . .

PRESENT WERE:

- DOYLE G. BERRY, Chairman
- DONALD F. WILLE, Vice Chairman
- MARC DUPUY, JR., Member
- JEAN LAPEYRE, Member
- HARVEY CLAY LUTTRELL, Member
- J. BURTON ANGELLE, Secretary

A G E N D A

- 1. Consider and evaluate comments and input resulting from public meeting (re steel shot regulations). (3)

OTHER BUSINESS

ADJOURNMENT (18)

CHAIRMAN DOYLE G. BERRY: I must apologize for keeping you waiting and holding you up. It was circumstances beyond our control. We are gathered this morning to consider the steel shot problem and evaluate it from the input we took in Lafayette Monday night, and with that I will open the meeting and ask for any comments.

MR. DUPUY: Mr. Chairman.

THE CHAIRMAN: Yes, sir.

MR. DUPUY: Are you asking for comments from the Commission?

THE CHAIRMAN: Right.

MR. DUPUY: And this is before we plan to vote that you would like to have comments?

THE CHAIRMAN: Yes.

MR. DUPUY: I would like to make some comments, if I may.

THE CHAIRMAN: Marc, let me ask first if anyone in the audience would like to make a comment. Is anyone prepared to speak this morning?

(No response)

All right, go ahead, Marc.

MR. DUPUY: I am going to vote to



rescind the steel shot regulations in Louisiana. This will probably come as a surprise to many and I am sure I will be criticized one way or the other, however I would vote.

To me the issue today is enforcement of steel shot regulations as they are presently written in two small areas of the state. I believe the matter has been blown all out of proportion. We are not considering today steel shot everywhere. I don't view this matter as a matter of life and death of waterfowl conservation nor of the sport of waterfowl hunting. We recognize that lead poisoning by ingestion is a fact and it happens in Louisiana, but we cannot support the regulations as they are presently written.

It is very difficult for me to take this position because I have always supported our professional biologists in matters coming before this Commission, but this is not a matter of biologist versus non-biologist. They have proved irrefutably that lead poisoning by ingestion causes death of waterfowl. I was saddened by the personal and vindictive attacks Monday night by some speakers



on our professional biologists who have led this state and this flyway and this nation in contributions to waterfowl conservation and whose personal integrity in my opinion has never been compromised.

But our biologists are not responsible for the regulations forced upon us two years ago which have been so filled with inequities and are so controversial. To me, we must find some meaning and purpose to the action of Congress in withdrawing funding from the Fish and Wildlife Service of their enforcement of the steel shot program. The intent of Congress is to restore to Louisiana the proper management of waterfowl. The success of the program requires the support of it. Many conservationists believe the cure is worse than the disease.

The arguments of extra cost of steel shot, cosmetic damage to gun barrels, damage to teeth -- those arguments don't save ducks; but the reduction of crippling losses does save ducks, and there is convincing evidence that ballistically the sheet shot is inferior to lead. Perhaps the crippling problem is greater in Catahoula



Lake where longer shots are taken and hunters are more likely to lose ducks by crippling. That, incidentally, is where most of vocal opposition to steel shot is coming from. But it makes little sense to me to allow two hunters to shoot 16 and 20 gauge lead shots and make the 12 gauge shooter shoot steel in the same blind in the same hot spot area. That is pure discrimination and it is an unsupportable position. But the arms manufacturers have stated that they will not produce 16 and 20 gauge steel shot, so no remedy is forthcoming on that inequity.

If you follow the biological reasoning to its logical conclusion, we would have to use steel in all guns in all areas statewide. But that is unrealistic, as obviously some shot falls in woods and soft marshes and is never ingested. It is as unrealistic to me as the supporters of lead shot who contend that there should be no steel shot in any gun in any area.

When experts disagree, when irrefutable facts about ballistics and about lead poisoning deaths and about crippling losses are not avail-



able, when so much is left to conjecture, I believe it is time for a reassessment of the program and a closer look at its accomplishments, its liabilities as well as its assets. I believe the imperfect regulations should be suspended until we can improve them.

We live in a world today where man has walked on the moon, a world in which energy is produced from more than five miles below the surface of the ground. Surely we have the technology to produce a suitable substitute for lead shot without the deficiencies of steel. Arms representatives have admitted that better shells can be produced if the hunters would support it, and we call upon the arms industries to do so.

I don't believe a suspension of the steel shot regulations will be a tragic step backward in waterfowl conservation. When the times comes that a better shot has been developed and a better program developed, I sincerely believe Louisiana sportsmen will lead the nation in voluntary implementation of a program in which they can believe and on which they can rely and which they can



enthusiastically support. They have clearly demonstrated that the present regulations are unsupportable, but the sentiment is also clear that they will support fair regulations. The present steel shot program desperately needs elimination of inequities, and I do not believe extending it again in its present form is in the best interest of this state.

Thank you.

MR. LUTTRELL: Mr. Chairman, I would like to make a statement.

THE CHAIRMAN: Yes, sir. Mr. Dupuy, let me say this. We don't always agree but I am in 100 percent accord with what you said. I would like to echo my thanks to Dick Yancey and to Hugh Bateman for the work they have done through the years to make it a better state to live in and a better state to hunt in. I don't think we have ever worked with two more conscientious and more qualified people than Hugh Bateman and Dick Yancey. I know they have taken a lot of flak over this thing. I know it has been hard for them to swallow at times. They were personally affronted the other



night as to their personal reputations and integrity, but I know it to be from years of experience that it is 100 percent true what they believe in and they are going to tell you the truth.

It was intimated the other night that they were trying to hoodwink and lie to us at the Monday hearing in Lafayette and that is just not true. I am sure that they told us exactly what they believe and what they are convinced in. Thank God we have got the best biologists in I think the United States, perhaps the world, in this Louisiana Wildlife and Fisheries Department.

I think that Hugh Bateman is recognized throughout the United States as the top man in his field and we are very fortunate to have him and, Hugh, I will always be happy to hear you and what you have got to say, and those of us who know you know that you aren't going to hoodwink us or lie to us. Those the other night in Lafayette who intimated that you weren't telling the truth just didn't know. My hat is off again to you and Dick for what you have done for this department.

MR. LUTTRELL: Mr. Chairman, I would like



to make a statement. I want to take exception to Mr. Dupuy's remarks about Catahoula Lake. Catahoula Lake, and I want the press to pick this up because I am going to make you an offer I don't think you can turn down, Catahoula Lake has been the whipping boy for the entire State of Louisiana for so long that it has just got to where it is a cancerous sore.

Now, the opposition to the steel shot did not come as a majority from there. Here is another thing. I will offer, I have been asked to offer to the news media, television and everything, to come up there and we will prove to you that these statements about Catahoula Lake categorically are false. They just are made by people who remember it as it was maybe 20 years ago, but since the diversion canal has been dug, it is an entirely different story.

So, this offer stands. We have the boats, we have the people, we have the technology to take you out and show you that these accusations are just not true, and I do resent deeply every person who speaks about lead shot or steel shot



always comes in and hollers "Catahoula Lake." We are not even the highest ranking area in the state with steel shot unless you go down 10 or 12 inches and, of course, after an inch and a half, no duck can stick his bill down and pick up shot. But if you take a sample from 10 or 12 inches deep and take all the bottom -- I will carry you to blinds that have shot as many as five and six cases or shells out of one blind and there won't be six shells remaining six months later on the surface. Now you will find down as much as 18 inches deeper and that is extremely soft mud.

When I first started there in 1934, the large sand bank called the Thorn Ridge is no more there and you can't even find where it used to be. It has changed that much. It is a changing lake completely, and everybody jumps on Catahoula Lake. You can't have a meeting or have anybody write an article or speak a sentence without whipping that section of people up there.

Now the thing about it is hunters from Bossier, Shreveport, Many, DeRidder, Leesville, Baton Rouge and all over hunt on it. I get calls



every day, "Why don't you all do something about it? Why don't you stop them?"

Well, I am saying today something I should have said a long time ago. You people that are with the news media, if you will come up or call, we will take you out in airplane boats, and you pick the spot that you want to go to. Don't let us influence you one way in the world, and you make the examination and then see if these things are true.

Mr. Dupuy, I am sorry, you live close to us but you have never been out there and never examined it, never looked at it. It is not that way. I don't appreciate it and I don't appreciate what was said about the biologists either, at all, because that was just as false, those accusations were just as false as the accusations about Catahoula Lake. That is people who are using their imagination and who do not know the facts and have not had the opportunity or had the incentive to go out and really look into the facts. That is just not true.

THE CHAIRMAN: Thank you, Mr. Clay.



MR. WILLE: Mr. Chairman, most of the hunters in the State of Louisiana have objected to the steel shot requirement because of the increased cost, lack of general availability of steel shot shells, different ballistic characteristics of sheet shot and slight choke modification in certain barrel shotguns for the use of steel shot.

Congress, in an apparent response to these objections, passed legislation early in October to prohibit enforcement of this steel shot regulation unless approval was obtained from the appropriate state regulatory authority. The Louisiana Wildlife and Fisheries Commission, being the appropriate state authority or regulatory authority, and in its capacity I would like to make a motion at this time that we suspend, eliminate the use of steel shot in the State of Louisiana.

THE CHAIRMAN: Gentlemen, you have heard the motion. Do I have a second?

MR. LAPEYRE: I second.

SECRETARY ANGELLE: Mandatory use.

MR. WILLE: Mandatory use of it.



SECRETARY ANGELLE: In designated areas.

MR. WILLE: In the State of Louisiana, period, Burt. They may come up with some other spots. I am just going to say the State of Louisiana.

THE CHAIRMAN: I have a motion by Mr. Wille, seconded by Mr. Lapeyre. Any discussion?

MR. LAPEYRE: Mr. Chairman, I would like to read a statement that I had prepared on the way -- not on the way but just before coming because after hearing and listening, I think we all should have an opportunity to say something as to why we have decided this issue as we have.

On the two fundamental elements of the question, i.e., the fact of lead poisoning and the desirability of the maximum waterfowl population, there is no disagreement. Everyone, from the Friends of the Animals to the National Rifle Association, can and do agree on these. The problem then is only a question of the means to an agreed upon goal.

I have given this problem a lot of thought since our last regular meeting and have



had great difficulty in coming down on one side or the other.

On the general principle that a bad solution is worse than none at all, I have finally decided that I could not vote approval of the existing regulations. I judge the existing regulations to be bad because (a) work on an efficient shot shell has not been completed; (b) insufficient publication of the magnitude of the poisoning problem, causing the majority of hunters to oppose the program, which I believe in itself is sufficient to undermine an otherwise good program; (c) the gauge exemption permits an easy circumvention of the basic goal of the program; (d) the application by area of the lead shot ban. I find this a problem not because I think it is unconstitutional but because it creates an insufficient incentive for the shell manufacturers to produce an efficient steel shot shell, which can be marketed at a reasonable price. At this point there is no assurance that shells other than 12 gauge will be available at all. This, in combination with an elimination of the gauge exemption,



would greatly reduce hunter opportunity.

For the above reasons I will not vote to enforce the present regulations.

At the same time, I would like to say that I strongly support and urge a continuation of effort to produce an efficient alternative shell which can be endorsed by the hunting community. In a conversation with Tom Roster after the hearing Monday, or rather Tuesday morning, he convinced me that such a shell can be produced. What is lacking is the proper incentive to the companies.

I think therefore that new regulations aimed at the development of an effective alternative to the lead shot shell should be devised and vigorously implemented.

Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you, Mr. Lapeyre.

For the benefit of those here in the press, let me say that this Commission and myself are fully aware of the fact that we do have a lead poisoning problem. We did not contest that. I think it was well demonstrated to the Commission



the other night by the biologists and those present that we do have a substantial problem. However, I for one, and I think it is the consensus of this Commission, do not feel like the solutions offered by the federal government at this time are the answer to the problem. We think that probably in this case the cure is worse than the disease and we are looking forward to working with the federal government at a future date in a program that will help correct this problem of lead poisoning, and we stand ready, willing and able to cooperate in every way we can, to help in every way we can, to preserve our duck populations and correct this problem.

At this time I will call for a vote.
All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Unanimous. So ordered.

Is there any other business to come before the Commission?

(No response)



THE CHAIRMAN: We stand adjourned.

Thank you.


(Whereupon the special meeting
of Louisiana Wildlife and Fish-
eries Commission was adjourned.)



C E R T I F I C A T E

I, the undersigned reporter, DO HEREBY CERTIFY that the above and foregoing (18 pages of typewritten matter) is a true and correct transcription of the tape recording of the proceedings herein, transcribed by me, at the time and place hereinbefore noted.

New Orleans, Louisiana, this 17th day of November, 1978.


Kathryn G. Chamberlin,
Reporter.

